

Serial No. 10/575,676
Art Unit 2624

Docket No. PU030282
Customer No. 24498

REMARKS

Claims 1-3 and 8-10, presently pending in this application following applicants' election of 6 January, now stand rejected. To better point out and claim their invention, applicants have cancelled claims 1-3 and 8-10 and replaced them with claims 15-21.

Before proceeding to address the rejections, applicants will briefly summarize their invention to assist the examiner in better understanding the differences between applicants' invention and the art of record. As recited in newly submitted claim 15 applicants simulate **bit accurate** film grain in an image block by a method that commences with the step of computing the average of the pixel values within the image block. Thereafter, applicants randomly select, as a function of the average value of the image block, a block of bit accurate film grain from among a pool of previously established blocks of bit accurate film grain. The term "bit accurate", as used in reference to film grain simulation, describes film grain simulation results that have repeatability. In other, for the same values, the simulation process yields the same film grain simulation results.

Double Patenting Rejection of Claims 1 and 8 over US Application Serial No. 10/581,151
Double Patenting Rejection of Claims 1 and 8 over US Application Serial No. 10/572,820

The examiner has rejected applicants' claims 1 and 8 for double patenting over claim 1 in co-pending application 10/581,151 currently assigned to Thomson Licensing, the same assignee as the instant application. In particular, the examiner contends that claim 1 of the '151 application discloses selecting a film grain block as a function of a pseudorandom number and a parameter characterizing film grain.

In addition, the examiner has rejected applicants' claims 1 and 8 for double patenting over claim 1 in co-pending application 10/572,820 currently assigned to Thomson Licensing, the same assignee as the instant application. In particular, the examiner contends that claim 1 of the '820 application describes the steps of (s) computing the average value of at least one image parameter, (b) selecting a film grain from a pool of previously established blocks, and (c) blending the block with the image.

As discussed above, applicants have cancelled claims 1-3 and 8-10 and have substituted claims 15-21. Applicants' independent method claim 15 and independent apparatus claims 19 now both recite the feature of *randomly selecting, as a function of the*

Serial No. 10/575,676
Art Unit 2624

Docket No. PU030282
Customer No. 24498

average value of the image block, a block of bit accurate film grain from among a pool of previously established blocks of bit accurate film grain.

Co-pending application 10/581,151 makes no mention of randomly selecting a block of bit accurate film grain, let alone randomly selecting *a block of bit accurate film grain from among a pool of previously established blocks of bit accurate film grain*. Thus, applicants' newly recited claims 15 and 19, which recite selecting from a pool of previously established bit blocks of accurate film grain, are patentably distinct over the claim 1 in the '151 application.

Likewise, claim 1 of co-pending application 10/572,820 makes no mention of randomly selecting a block of bit accurate film grain, let alone randomly selecting *a block of bit accurate film grain from among a pool of previously established blocks of bit accurate film grain*. Therefore, applicants' claims 15 and 19 are patentably distinct over the '820 application.

35 U.S.C. 102(e) Rejection of Claims 1-3 and 8-10

Claims 1-3 and 8-10 stand rejected under 35 U.S.C. 102(e) as anticipated by US Published Application US2007/0058878 (Serial No. 10/572,820) in the name Cristina Gomila et al. In this regard, the examiner contends that the '878 published application discloses the steps of computing an average of the pixel values, and selecting from a block of film grain from a previously established pool of such blocks based on the average pixel value and a random number.

Applicants have cancelled claims 1-3 and 8-10 and replaced them with claims 15-21. As discussed above, newly recited independent claims 15 and 19 both recite the feature of randomly selecting, as a function of the average value of the image block, a block of bit accurate film grain from among a pool of previously bit blocks of bit accurate film grain. The '878 published application makes no mention of bit-accurate film grain, and thus would not disclose applicants' feature of randomly selecting a block of bit accurate film grain from a pool of previously established blocks of bit accurate film grain, as now recited in applicants claims 15 and 19, and the claims that depend therefrom.

Given that the '878 publication says nothing regarding bit accurate film grain blocks, applicants' claims 15 and 19, and the claims that depend therefrom possess novelty over the art of record. Withdrawal of the 35 U.S.C. 102(e) rejection is requested.

Serial No. 10/575,676
Art Unit 2624

Docket No. PU030282
Customer No. 24498

RECEIVED
CENTRAL FAX CENTER

NOV 20 2009

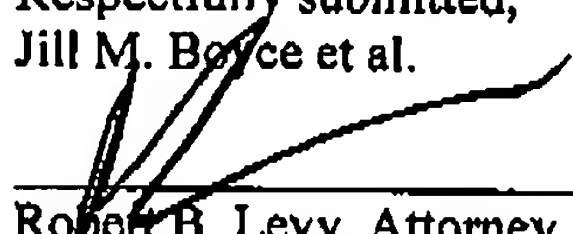
Conclusion

In view of the foregoing, applicants solicit entry of this amendment and allowance of the claims. If the Examiner cannot take such action, the Examiner should contact the applicant's attorney at (609) 734-6820 to arrange a mutually convenient date and time for a telephonic interview.

No fees are believed due with regard to this Amendment. Please charge and fee or credit any overpayment to Deposit Account No. 07-0832.

Respectfully submitted,
Jill M. Boyce et al.

By:


Robert B. Levy, Attorney
Reg. No. 28,234
Phone (609) 734-6820

Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, New Jersey 08543-5312
19 November 2009